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ORIGINALLY FILED

Patent  
246/221

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

HAHN, Gary S. et al

Serial No.: 09/400,757

Filed: 9/21/99

For: FORMULATIONS AND METHODS  
FOR REDUCING SKIN IRRITATION

Group Art Unit: 1617

Examiner: Wang, S.

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OCT 15 2002

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AUG 14 2002

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AMENDMENT TRANSMITTAL

Box Amendment  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is the Response to Restriction Requirement for the above-identified application.

08/12/2002 AD SHAH1 00000020 122475 09400757  
01 FC:217 460.00 CH

LA-243491.1

CERTIFICATE OF MAILING  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

July 31, 2002  
Date of Deposit

Yolanda G. Ybuan  
Name of Person Mailing Paper

*Yolanda H. Ybuan*  
Signature of Person Mailing Paper

- ☒ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
1 month	<input type="checkbox"/> \$55.00	<input type="checkbox"/> \$110.00
2 months	<input type="checkbox"/> \$200.00	<input type="checkbox"/> \$400.00
3 months	<input checked="" type="checkbox"/> \$460.00	<input type="checkbox"/> \$920.00
4 months	<input type="checkbox"/> \$720.00	<input type="checkbox"/> \$1,440.00
5 months	<input type="checkbox"/> \$980.00	<input type="checkbox"/> \$1,960.00

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.
- ☒ Extension fee due with this Request \$460.00.
- ☒ If an additional extension of time is required, please consider this a petition therefor.

**FEES FOR CLAIMS:**

- ☐ Applicant claims small entity status pursuant to 37 CFR 1.27.

The fees for claims (37 CFR § 1.16(b)-(d)) have been calculated as shown below:

Total Claims	- 20 = 0	x \$18.00	\$0.00
Independent Claims	- 3 = 0	x \$80.00	\$0.00
Multiple Dependent Claims	\$270 (if applicable)	<input type="checkbox"/>	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>			<b>\$0.00</b>
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28.		<input type="checkbox"/>	\$0.00
<b>TOTAL FEES FOR CLAIMS SUBMITTED HERewith</b>			<b>\$0.00</b>

- ☐ A check in the amount of \_\_\_\_\_ is enclosed to cover the above fee(s).
- ☒ Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of \$460.00.



The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. **12-2475** for any fees required under 37 CFR §§ 1.16 and 1.17 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account **12-2475**.



**22249**  
PATENT TRADEMARK OFFICE

LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(213) 489-1600

Dated: July 31, 2002

By: 

John D. McConaghy  
Reg. No. 26,773

633 West Fifth Street, Suite 4700  
Los Angeles, California 90071-2066  
(213) 489-1600



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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed April 1, 2002, applicants respond as follows.

With regard to the requirement to elect as between the inventions listed by the Examiner as Groups I and II, applicants elect Group I (enumerated as claims 1-25, 52, 55, 57, 58 and 61).

Having elected Group I, the Office Action further requires a species election (the species election requirement in Paper No. 13, mailed June 12, 2001, now being withdrawn). In response, applicants elect the species of category "a" in the Office Action, namely organic acids.

LA-243168.1

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Yolanda G. Ybuan  
Name of Person Mailing Paper

*Yolanda G. Ybuan*  
Signature of Person Mailing Paper

The following claims are readable on the elected species of organic acids:<sup>1</sup>

**Claims 1-19, 21-25, 52, 55, 57, 58 and 61.**

The Commissioner is authorized to charge any fees associated with the present submission, including the fee for an extension of time in which to respond (which extension is hereby respectfully requested, to the Deposit Account of the undersigned attorney of record, which is:

**Deposit Account No. 12-2475.**

Respectfully submitted,



LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(213) 489-1600

Dated: July 24, 2002

By: Paul H. Meier  
Paul H. Meier  
Reg. No. 32,274

633 West Fifth Street, Suite 4700  
Los Angeles, California 90071-2066  
(213) 489-1600

<sup>1</sup> While it is not clear from the Office Action, the Examiner may additionally be requiring an election of a single chemical subspecies within the species of organic acids. If so, applicants elect the subspecies of glycolic acid (see claim 14); and the claims that read on this subspecies are: Claims 1-12, 14, 24-25, 52, 55, 57, 58 and 61.